HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

R.S.A No.4335 of 2006 (O&M)
Date of decision : 16.3.2007

Haryana Financial Corporation .....Appellant

versus

Mrs.Kulwant Kaur and others .....Respondents

CORAM : HON'BLE MR. JUSTICE HEMANT GUPTA.

Present : Mr.Puneet Gupta, Advocate for the appellant.

* * *

ORDER

HEMANT GUPTA, J.

C.M.No.11495-C of 2006

For the reasons mentioned in the application, the delay of 84 days in refiling the appeal is condoned.

C.M.No.11496-C of 2006

For the reasons mentioned in the application, the delay of 134 days in filing the appeal is condoned, subject to all just exceptions.

R.S.A.No.4335 of 2006

The challenge in the present appeal is to the judgment and decree passed by the Courts below, whereby suit for recovery of arrears of rent was decreed.

Earlier, the plaintiff-respondent filed a petition for ejectment. The said petition was dismissed by the learned Rent Controller on 16.3.1992, holding that the appellant herein cannot be ejected for non

payment of arrears of rent and only remedy available with the plaintiff is to file a suit for recovery of the outstanding arrears of rent. The said order of the learned Rent Controller has attained finality.

In view the above, the filed by the plaintiff has rightly been decreed by the Courts below.

I do not find any illegality or irregularity in the findings recorded by the Courts below which may give rise to any substantial question of law in second appeal.

Dismissed.

(HEMANT GUPTA)
JUDGE

March 16, 2007
**mohinder*